



Charles M. Walker

U.S. Bankruptcy Judge

Dated: 7/23/2020



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

Jerri Ann Martin,

Debtor.

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Case No. 20-02148

Chapter 13

**ORDER PURSUANT TO 11 U.S.C. § 362(d)(4) GRANTING
PROSPECTIVE *IN REM* RELIEF FROM THE AUTOMATIC STAY**

This matter having come before the Court for hearing on June 24, 2020 pursuant to the Motion for *in rem* Relief from Automatic Stay (“Motion”), of U.S. Bank Trust National Association, as Trustee of the Cabana Series IV Trust, by its attorney in fact SN Servicing Corporation (“Movant”), for an order, pursuant to 11 U.S.C. § 362(d)(4), for *in rem* relief from the automatic stay imposed in subsequent cases under 11 U.S.C. § 362(a) such that, any and all future filings under the Bankruptcy Code by the Debtor herein, during the 180 days following the entry of dismissal of this Case or relief from stay being

granted as to the Property in this Case, shall not operate as a stay as to Movant's enforcement of its rights in and to 820 Hurricane Hills Drive, Waynesboro, Tennessee 38485 (the "Property"); and following testimony of the Debtor and evidence presented at the hearing, the Court having determined that the filing of the Debtor's current bankruptcy petition was part of a scheme to delay, hinder, or defraud creditors that has involved multiple bankruptcy filings by the Debtor and affecting the Property; and good and sufficient cause appearing, it is ordered as follows:

The Debtor is allowed to complete her confirmed plan in this Case;

Should this Case be dismissed or relief from stay is granted as to the Property in this Case, Movant, its successors and assigns, are free to pursue all remedies with respect to the Debtor, including initiating foreclosure proceedings, against the Property;

That, under Section 362(d)(4), and provided that this order is recorded in conformity therewith, this order shall be binding in any other case filed under the Bankruptcy Code purporting to affect the Property that is filed not later than 180 days after the entry of an order dismissing this Case or relief from stay being granted as to the Property in this Case, such that the automatic stay under Section 362(a) shall not apply to Movant's, or its successors and assigns, interest in the Property;

Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure shall not apply and the Movant, its successors and assigns, may immediately enforce and implement this order granting relief from the automatic stay;

Any excess proceeds from the disposition of the property, after the Debtor is paid her real property exemption, shall be remitted to the Trustee to be applied to plan arrears with any remaining funds to benefit unsecured creditors.

IT IS SO ORDERED.

This order was electronically signed and entered as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/Edward D. Russell

Edward D. Russell, BPR #26126

The SR Law Group

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July 2020, a true and correct copy of the Order Granting Prospective *In Rem* Relief from Automatic Stay was served by U.S. mail, postage prepaid, upon Jerri Ann Martin, 820 Hurricane Hills Drive, Waynesboro, TN 38485. I also caused a copy of the Motion to be served by electronic means as follows: counsel for the Debtor, Flexer Law, PLLC, 1900 Church St., Suite 400, Nashville, TN 37203; Henry Edward Hildebrand, III Office of the Chapter 13 Trustee, PO Box 340019, Nashville, TN 37203; United States Trustee, Office of the United States Trustee, 701 Broadway, Suite 318 Nashville, TN 37203; and, all parties consenting to such electronic service in this bankruptcy case.

By: /s/Edward D. Russell

Edward D. Russell

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.